

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHNSTON et al.

Serial No. 09/137,059

Filed: August 20, 1998

For: ANTISENSE AND ANTIGENE  
THERAPEUTICS WITH  
IMPROVED BINDING  
PROPERTIES AND METHODS  
FOR THEIR USE



Examiner: Not Yet Assigned

Group Art Unit: 1641

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231

on

Jan 27, 1999

Signed:

Suzan Lindstrom

Suzan Lindstrom

RESPONSE TO NOTICE OF MISSING PARTS

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is in response to the Notice to File Missing Parts of Application mailed herein on September 22, 1998. Enclosed herewith is a petition for an appropriate extension of time and the fee therefor, thereby making this a timely response.

The Commissioner is authorized to charge any additional fees, including extension fees, which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-65200/WHD/MTK).

Serial No.: 09/137,059  
Filed: August 20, 1998



In response to the Notice to File Missing Parts referenced above,

Applicants herein submit the following:

- (1) executed declaration and power of attorney document;
  - (2) copy of Form PTO-1553;
  - (3) copy of Form PTO-1661;
  - (4) paper copy of sequence listing;
  - (5) computer readable copy of sequence listing;
  - (6) preliminary amendment directing insertion of sequence listing into the specification;
  - (7) a check for \$1100.00 to cover the missing parts fee and surcharge;
  - (8) petition for a two-month extension of time and the fee therefor;
- and
- (9) a return postcard.

It is believed that submission of the above serves to fully comply with the requirements of the outstanding Notice of Missing Parts.

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

A handwritten signature in dark ink, appearing to read "Mark T. Kresnak", written over a horizontal line.

Mark T. Kresnak, Ph.D.  
Reg. No. 42,767

Four Embarcadero Center  
Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

09/137,059 08/20/98 JOHNSTON

B A-65200/WHD/

0242/0922

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT  
SUITE 3400 FOUR EMBARCADERO CENTER  
SAN FRANCISCO CA 94111



NOT ASSIGNED

1641

DATE MAILED:

09/22/98

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☐ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:**

- ☐ For Rules interpretation, call (703) 308-1123.
- ☐ For CRF submission help, call (703) 308-4212.
- ☐ For Patent software help, call (703) 308-6856.

*D. Martin*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**

BEST AVAILABLE COPY